

not meet the income criterion for eligible youth, provided that they are within one or more of the following categories:

- (a) School dropout;
- (b) Basic skills deficient, as defined in WIA section 101(4);
- (c) Are one or more grade levels below the grade level appropriate to the individual's age;
- (d) Pregnant or parenting;
- (e) Possess one or more disabilities, including learning disabilities;
- (f) Homeless or runaway;
- (g) Offender; or
- (h) Face serious barriers to employment as identified by the Local Board. (WIA sec. 129(c)(5).)

**§ 664.230 Are the eligibility barriers for eligible youth the same as the eligibility barriers for the five percent of youth participants who do not have to meet income eligibility requirements?**

No, the barriers listed in §§ 664.200 and 664.220 are not the same. Both lists of eligibility barriers include school dropout, homeless or runaway, pregnant or parenting, and offender, but each list contains barriers not included on the other list.

**§ 664.240 May a local program use eligibility for free lunches under the National School Lunch Program as a substitute for the income eligibility criteria under title I of WIA?**

No, the criteria for income eligibility under the National School Lunch Program are not the same as the Act's income eligibility criteria. Therefore, the school lunch list may not be used as a substitute for income eligibility to determine who is eligible for services under the Act.

**§ 664.250 May a disabled youth whose family does not meet income eligibility criteria under the Act be eligible for youth services?**

Yes, even if the family of a disabled youth does not meet the income eligibility criteria, the disabled youth may be considered a low-income individual if the youth's own income:

- (a) Meets the income criteria established in WIA section 101(25)(B); or
- (b) Meets the income eligibility criteria for cash payments under any Fed-

eral, State or local public assistance program. (WIA sec. 101(25)(F).)

**Subpart C—Out-of-School Youth**

**§ 664.300 Who is an “out-of-school youth”?**

An out-of-school youth is an individual who:

- (a) Is an eligible youth who is a school dropout; or
- (b) Is an eligible youth who has either graduated from high school or holds a GED, but is basic skills deficient, unemployed, or underemployed. (WIA sec. 101(33).)

**§ 664.310 When is dropout status determined, particularly for youth attending alternative schools?**

A school dropout is defined as an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent. A youth's dropout status is determined at the time of registration. A youth attending an alternative school at the time of registration is not a dropout. An individual who is out-of-school at the time of registration and subsequently placed in an alternative school, may be considered an out-of-school youth for the purposes of the 30 percent expenditure requirement for out-of-school youth. (WIA sec. 101(39).)

**§ 664.320 Does the requirement that at least 30 percent of youth funds be used to provide activities to out-of-school youth apply to all youth funds?**

(a) Yes, the 30 percent requirement applies to the total amount of all funds allocated to a local area under WIA section 128(b)(2)(A) or (b)(3), except for local area expenditures for administrative purposes under 20 CFR 667.210(a)(2).

(b) Although it is not necessary to ensure that 30 percent of such funds spent on summer employment opportunities (or any other particular element of the youth program) are spent on out-of-school youth, the funds spent on these activities are included in the total to which the 30 percent requirement applies.